

1-28-16

Louisiana Ethics Administration Program  
P.O. Box 4368  
Baton Rouge, LA 70821

2016 FEB -2 AM 8:57

RE: Advisory Opinion Request

Dear Louisiana Board of Ethics:

I am requesting an advisory opinion on the following situation.

I am employed by the City of Shreveport. I am appointed by the Mayor and confirmed by the City Council. My job title is Assistant City Engineer. I am a licensed professional engineer. At the City my main areas of work are capital drainage projects, floodplain management, permit review and private development.

Explanation of each major category of City responsibility:

Capital drainage projects: Large, capital projects, mostly large pipe networks or ditches. Typically the smallest pipe we use is 15" or 18" and go up to large (10' x 10') double box culverts. The ditches could have a small bottom (3') and side walls (3') or large bottoms (30') and side walls (30').

Floodplain management: I am a Certified Floodplain Manager (CFM). I over see development in special flood hazard areas. For example, if someone wants to put a building in a special flood hazard area, we work with them to make sure they build to the correct elevation.

Permit Review: We have a central permits office that issues all permits. Some permit applications, not all, are routed to the engineering department for review. I am the direct supervisor to the plans examiner that does the permit review for the engineering department. When he has questions, I assist with the review.

Private development: When a developer wants to build and donate streets, drainage, water and sewer infrastructure to the City, we review the plans and inspect the work to make sure it meets the City's specifications. We then process the paperwork for the donation process.

I want to work a private job on the nights and weekends. I want it to be a

landscape company. I have my landscape horticulturist license from the Department of Agriculture and Forestry. Most landscape companies design and install drainage systems. Typically called yard drains or landscape drains. These systems are typically with 4" pipes and 9" x 9" catch basins. French drains are also a popular solution. However, the size and items used varies with each job. There are also other drainage solutions that are too numerous to list.

I would also like to register my company with LAPELS so I can use my professional engineer (PE) stamp with my private company. Most of the work I anticipate getting would not require an engineer. Landscapers typically draw it up and perform the work. But since I am an engineer I would like to utilize my credentials. I do anticipate the rare case where there is a complicated yard drainage situation and the client may want an engineer so that they are assured it is done right.

The City of Shreveport (my employer) currently pays for the renewal of my PE license every two years (\$120). The license is required for my job duties/description. I am confused about the ethics of this. On one hand, the City pays for all of the engineers' license and that benefit should be offered to me. There are 7 engineer positions at the City. They are getting full use of my license during my public work hours. On the other hand, it could be seen as me receiving private gain by something that was paid for by public funds.

Major points I would like to highlight:

Municipal public infrastructure vs. private landscape drains

The City does not design, install or maintain the types of drainage systems in private property that I want my private company to offer.

I don't anticipate that my work would be submitted to the City. The City has no oversight or permitting for private landscaping.

I would not solicit private work while serving in my public role.

My main questions are as follows:

Would it be a violation for me to own and operate a landscape company?

Would it be a violation for my landscape company to offer drainage systems like most typical landscape companies?

Would it be a violation for my landscape company to register with LAPELS so I could stamp documents with my engineer's stamp.

Would I need to reimburse the City for the cost of my PE license renewal fee?

Thank you for your consideration and I look forward to reading the opinion.

Please feel free to contact me for additional information.

Regards,

A handwritten signature in black ink, appearing to read 'Patrick Furlong', with a long horizontal flourish extending to the right.

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